

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:20-CR-00318-SEP-DDN (SPM)
)	
DEWAYNE FAIR,)	
)	
Defendant.)	

MOTION FOR RECONSIDERATION OF THE ORDER OF DETENTION

NOW COMES Defendant DEWAYNE FAIR, through undersigned counsel requesting this Honorable Court reconsider the July 20,2020 Order of Detention (Doc. 20) In support of this motion, Defendant states the following:

1. Defendant is charged with one count of being a felon in possession of a firearm in violation of Title 18 U.S.C. § 922(g).
2. The Court found that the Government had proven by clear and convincing evidence that no condition or combination of conditions would reasonably assure the safety of the community and by a preponderance of the evidence that no condition or combination of conditions of release would assure Defendant's appearance as required. In the order, the Court listed several of its findings and reasons for detention. (*See* Doc. 20).

- ☒ Weight of evidence against the defendant is strong
- ☐ Subject to lengthy period of incarceration if convicted
- ☒ Prior criminal history
- ☒ Participation in criminal activity while on probation, parole, or supervision
- ☒ History of violence or use of weapons
- ☐ History of alcohol or substance abuse
- ☐ Lack of stable employment
- ☐ Lack of stable residence
- ☐ Lack of financially responsible sureties
- ☐ Lack of significant community or family ties to this district

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- ☐ Significant family or other ties outside the United States
 - ☐ Lack of legal status in the United States
 - ☐ Subject to removal or deportation after serving any period of incarceration
 - ☐ Prior failure to appear in court as ordered
 - ☐ Prior attempt(s) to evade law enforcement
 - ☒ Use of alias(es) or false documents
 - ☐ Background information unknown or unverified
 - ☒ Prior violations of probation, parole, or supervised release

3. 18 U.S.C. § 3142(f) permits a court to reopen a detention hearing “before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.”
4. Defendant submits that his father, Dewayne Fair Sr., a City of St. Louis employee and former Sheriff’s Deputy, is amenable to serving as a Third-Party Custodian for Defendant.
5. Moreover, the COVID-19 pandemic is now an ongoing menace to the general public but to incarcerated individuals especially who are unable to engage in social distancing, which is the primary tool in avoiding contraction of the disease.
6. Defendant suffers significant nerve damage to his left leg and left foot due to a previous gunshot wound and this injury limits his mobility and consequently, also his ability to social distance.
7. Moreover, Defendant requires access to medical care and the Ste. Genevieve facility charges almost \$15. 00 per visit to the doctor. Defendant is without means to pay for such visits.
8. It is the understanding of counsel from Defendant’s state counsel, that Missouri Probation & Parole is not seeking to revoke Defendant’s probation.
9. Defendant is willing to participate in electronic monitoring and abide by any other restrictions imposed by the Court.

WHEREFORE, Defendant DEWAYNE FAIR respectfully requests this Honorable Court reconsider its previous Order of Detention and release him on an unsecured bond or with any and all conditions of release the Court deem reasonable.

Dated: October 19, 2020

Respectfully submitted,

/s/Mohammed G. Ahmed
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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2020, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Mr. Donald Boyce, Assistant United States Attorney.

/s/ Mohammed G. Ahmed
MOHAMMED G. AHMED
Assistant Federal Public Defender